

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13858 of 2018

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1. Sonu Kumar and Ors Son of Sri Amar Thakur @ Amol Thakur, Resident of Village- Sanhauli, Ward No. 10, P.S.- Khagaria, District- Khagaria.
 2. Aparna, Wife of Sri Alok Kumar, Resident of Village- Kolilawan known as Koliwan, P.S.- Haspura, District- Aurangabad.
 3. Pushpa Rani, Wife of Sri Rajesh Kumar, residing at Shanti Sadan, Shanti Marg, Mithapur, P.S.- Jakkanpur, Town and District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Collector-cum-District Magistrate, Patna.
3. The Additional Collector, Patna.
4. The Deputy Collector Land Reform, Patna City, Patna.
5. The Circle Officer, Daniyawar, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha
For the Respondent/s : Mr.Subhash Chandra Yadav - Gp15

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 07-01-2025 On 28.11.2024, the following order was passed:-

*On 13.11.2024, the
following order was passed:-*

*None appears for the
petitioners.*

*2. One opportunity is granted
to the petitioners to address the matter
before this court.*

*3. Put up this matter on
20.11.2024.*

*4. If the petitioners fail to appear
on the next date of hearing, the matter would
be decided with the available records for the
reasons that the present matter is pending
consideration for the last about six years.*



2. Today also none appears for the petitioner.

3. From the perusal of prayer clause of the writ petition, it transpires that this is an application for quashing of entire proceeding of Case no. 554/2016-17, 555/2016-17 and 556/2016-17 initiated by Circle officer Daniyawan, giving rise to mutation appeal case no.01 of 2018-19 against the petitioners as well as the entire pending proceeding before the Land Reform Deputy Collector, Patna City, alongwith the order dated 31.03.2018 recommending the matter to the Additional Collector, Patna. Further, the land appertaining to Thana No. 14, Khata No. 15, Khesra No. 449, Rakba 23 decimal, Mauza – Madarichak, Thana No. 14, Khata No. 18, Khesra No. 450, Rakba 40 decimal, Mauza – Madarichak, Thana No. 14, Khata No. 15, Khesra No. 449, Rakba 23 decimal, Mauza – Madarichak as discussed in Mutation Appeal No. 01 of 2018-19 as attached with the record through Annexure A of the counter affidavit filed on behalf of Respondent Nos. 2 and 5, in which petitioners were claimant.

4. Learned counsel for the



State submits through Para 9 of the counter affidavit filed on behalf of the respondent No. 2 and 5 that the land was acquired much earlier in year 2007 in favour of the railway, the concerned respondent initiated proceeding for cancellation of the mutation and recommended to the Deputy Collector Land Reforms, Patna City for cancellation of order passed in Mutation Case No- 554/2016-17, 555/16-16-17 and 556/16-17. Accordingly, the Deputy Collector Land Reforms, Patna City initiated Mutation Cancellation Case No. 01/2018-19 and forwarded the matter to the Additional Collector, Patna vide order dated 31.03.2018. However, the same is returned back for taking necessary action in accordance with law. Thereafter, respondent No 4 - Deputy Collector Land Reforms, Patna City on perusal of the record found that the land in question is already acquired in year 2007 for the Neura Daniawan Railway Project for which compensation amount has already received by the land owner. The mutation of the acquired land in favour of persons other than the



requisitioning authority is a violation of provision contained in section 4 (5) of the Bihar Mutation Act. Therefore, the order passed in Mutation Case No-554/2016-17, 555/16-16-17 and 556/16-17 by the Circle Officer, Daniwan is hereby set aside vide order dated 26.06.2018. He further submits that the order passed by the concerned authority is based on material available on record. Hence, no interference is required.

5. As a matter of last indulgence, one opportunity is granted to the learned counsel for the petitioner to address the matter on the next date of hearing.

6. Re-list this matter on 05.12.2024.

7. It is made clear that no further time would be granted on the next date of hearing for the reasons that the matter is pending consideration for the last about six years.

2. Today also none appears for the petitioner.

3. Since the matter is pending consideration for the last about six years and the petitioner has also no interest to pursue the case.



4. Accordingly, the instant petition stands dismissed
for non prosecution.

(Alok Kumar Pandey, J)

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